

FEE PAID

## UNITED STATES DISTRICT COURT

for the

Central District of California

Western Division



KENT W EPPERSON

Case No.

(to be filled in by the Clerk's Office)

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

SANTA BARBARA COUNTY ASSOCIATION OF  
GOVERNMENTS ("SBCAG")

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

LACV23-03039-AB(MARx)

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kent W Epperson
Street Address	5801 West Camino Cielo
City and County	Santa Barbara, Santa Barbara County
State and Zip Code	California, 93105
Telephone Number	805-681-8252
E-mail Address	KentWEpperson@proton.me

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

<b>Name</b>	Santa Barbara County Association of Governments
<b>Job or Title</b> <i>(if known)</i>	Division Chief, Santa Barbara County Counsel's Office '
<b>Street Address</b>	260 N. San Antonio Rd. Suite B
<b>City and County</b>	Santa Barbara, Santa Barbara County
<b>State and Zip Code</b>	California, 93105
<b>Telephone Number</b>	(805) 568-2950
<b>E-mail Address</b> <i>(if known)</i>	mmontez@countyofsb.org

**Defendant No. 2**

<b>Name</b>	
<b>Job or Title</b> <i>(if known)</i>	
<b>Street Address</b>	
<b>City and County</b>	
<b>State and Zip Code</b>	
<b>Telephone Number</b>	
<b>E-mail Address</b> <i>(if known)</i>	

**Defendant No. 3**

<b>Name</b>	
<b>Job or Title</b> <i>(if known)</i>	
<b>Street Address</b>	
<b>City and County</b>	
<b>State and Zip Code</b>	
<b>Telephone Number</b>	
<b>E-mail Address</b> <i>(if known)</i>	

**Defendant No. 4**

<b>Name</b>	
<b>Job or Title</b> <i>(if known)</i>	
<b>Street Address</b>	
<b>City and County</b>	
<b>State and Zip Code</b>	
<b>Telephone Number</b>	
<b>E-mail Address</b> <i>(if known)</i>	

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	SBCAG
Street Address	260 N. San Antonio Rd.
City and County	Santa Barbara, Santa Barbara County
State and Zip Code	California 93105
Telephone Number	(805) 961-8900

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Other federal law *(specify the federal law)*:



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☒ Other acts *(specify)*: Leave without pay without benefits for 3 ¼ months and demoted

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
November 18, 2021

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race \_\_\_\_\_
- ☐ color \_\_\_\_\_
- ☐ gender/sex \_\_\_\_\_
- ☒ religion Religious beliefs violated
- ☐ national origin \_\_\_\_\_
- ☐ age *(year of birth)* \_\_\_\_\_ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* \_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.



Plaintiff sues Defendant SBCAG for money damages for relief, which includes the recovery of economic damages caused by the negligent and unlawful conduct in failing to provide reasonable accommodation for his sincerely held religious beliefs, and states:

1. For over 19 years, from October 8, 2002 to November 17, 2021, the Plaintiff held the position of Director of the Traffic Solutions Division at the Santa Barbara County Association of Governments (SBCAG). In 2021, he was supervising three employees and was a member of the SBCAG management team. (Continued on attachment)

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

July 23, 2022

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) 01/23/2023

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

WHEREFORE Plaintiff moves the Honorable Court to enter into an order to: (a) Award back pay in the amount of \$58,415 with prejudgment interest in lost wages, and \$19,975 in lost retirement benefit accrual payout, and all other equitable relief necessary to make Plaintiff whole for the monetary losses, in amounts to be determined at trial; (c) Award \$20,000 compensatory damages to Plaintiff to fully compensate him for his pain and suffering for non-economic harms and damages caused by the Defendants negligent and unlawful discriminatory conduct as they relate to the introduction of hardship that hampered his ability to pay for rent, utilities, daily expenses/activities, gas and food; basic conveniences, and the harm to his professional reputation and the loss of enjoyment of life during this time, caused by conduct alleged in this Complaint. (d) Award such additional relief as justice may require, together with the Plaintiffs costs and disbursements in this matter.

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/21/2023

Signature of Plaintiff

Printed Name of Plaintiff

Kent W Epperson

### B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

## **Attachment I**

### **III. Statement of Claim, E. Facts of my case are as follows (continued):**

2. March 25, 2020, Marjie, Kirn ("Kirn"), Executive Director of SBCAG, directed staff to work from home due to the California COVID-19 State of Emergency.
3. On June 24, 2020, Martha Gibbs ("Gibbs"), Human Resources Manager, notified employees that as of July 1, 2020, SBCAG employees could return to the office if they wanted to, but allowed employees to continue working remotely from home if they preferred, so as to be "as flexible as possible so that individual situations/needs are being addressed."
4. The majority of SBCAG staff elected to continue to work remotely from home, as did the Plaintiff until he was put on unpaid leave on November 18, 2021.
5. At the SBCAG Board meeting on October 21, 2021, the Board adopted an employee COVID-19 Vaccination and Testing Policy. Kirn stated to the Board that she would consider Religious Exemption requests on a case-by-case basis.
6. On October 31, 2021, the Plaintiff submitted a written Notice of Federal Religious Exemption to the Vaccination and Testing Policy on the grounds that it violated his sincerely held religious beliefs. To accommodate his religious objection to the policy, the Plaintiff proposed that he continue working remotely from home as he had been doing for the prior 18 months.
7. On November 2, 2021, Gibbs, confirmed receipt of the Plaintiff's Notice of Federal Religious Exemption.
8. The Plaintiff was the only employee at SBCAG to submit a Notice of Federal Religious Exemption to the Vaccination and Testing Policy, and 94% of the staff were fully vaccinated.
9. November 18, 2021, Gibbs, with approval from Kirn, placed Plaintiff on unpaid administrative leave for 60 days, effective immediately, without any sort of good faith interactive process to identify a reasonable accommodation that would not violate the Plaintiff's sincerely held religious beliefs.
10. The Plaintiff remained on unpaid leave, without health benefits, sick leave or retirement accrual until March 13, 2022 causing Plaintiff to suffer monetary losses, distress, pain, inconvenience, loss of enjoyment of life and humiliation, as a result of defendant's discriminatory actions.
11. Gibbs failed to provide any reason why the Plaintiff's proposed remote work accommodation would cause an undue hardship on the conduct of SBCAG operations.
12. On March 13, 2022, under duress, the Plaintiff accepted a new offer for a temporary demotion, reporting to a less senior employee, stripping him of his Director of Traffic Solutions title and responsibilities held for over 19 years.
13. This new position required several weeks of retraining and caused harm to Plaintiff's reputation and confusion with his coworkers and the community he served for over 19 years.
14. On March 22, 2022, to seek monetary remedy for lost wages and to be rightfully returned to his Director position, the Plaintiff filed a formal internal discrimination complaint and the investigation was completed on July 22, 2022 without any resolve.
15. On May 17, 2022, the SBCAG Board lifted the COVID-19 Vaccination and Testing Policy and shortly thereafter, the Plaintiff was allowed to regain his position as Director of Traffic Solutions where he remains to this day.
16. On July 23, 2022, Plaintiff submitted a complaint to the EEOC. SBCAG was unwilling to engage in the resolution of the charge through the EEOC conciliation process and subsequently the Plaintiff was issued a Notice of Right to Sue.





## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Los Angeles District Office  
255 East Temple St, 4th Floor  
Los Angeles, CA 90012  
(213) 785-3090  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 01/23/2023

**To:** Mr. Kent W. Epperson  
5801 West Camino Cielo  
SANTA BARBARA, CA 93105  
Charge No: 480-2022-05119

EEOC Representative and email: **MARK BRENNAN**  
Senior Federal Investigator  
[mark.brennan@eeoc.gov](mailto:mark.brennan@eeoc.gov)

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### **DETERMINATION OF CHARGE**

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Christine Park-Gonzalez  
01/23/2023

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Christine Park-Gonzalez  
Acting District Director